

SENATE—Monday, July 23, 2001

The Senate met at 2 p.m. and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, replenish our energies so that we can give ourselves unreservedly to the challenges of this new week. Give us gusto to confront problems and work to apply Your solutions. Replace our fears with vibrant faith. Most important of all, give us such a clear assurance of Your guidance that we will have the courage of our convictions.

Bless the women and men of this Senate with a profound personal experience of Your grace, an infilling of Your Spirit of wisdom, and a vision of Your will in all that must be decided this week. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, I have been asked by the majority leader to indicate that we are to be in morning business for 2 hours today. Following that, we will return to legislative business. We will be on the Transportation appropriations bill. There will be an amendment offered at or about 4 o'clock today, with a vote to occur at about 5:45 today. We hope those who have amendments to offer to the bill will be ready to do so. We know there is at least one difficult issue. We are going to work on that.

Senator MURRAY and Senator SHELBY have spent a great deal of time on this legislation. We hope to complete this matter and one or two other appropriations bills this week.

The recess is fast approaching, a week from this Friday. We are going to have a number of things we have to do, in addition to appropriations bills, that the majority leader and the minority leader have talked about and recognize have to be done before the recess. So

we have asked everyone to be cooperative. We are going to move as quickly as we can to try to satisfy the many different desires of the two caucuses.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: The Senator from Arizona, Mr. KYL, from 2 to 3 p.m., and the Senator from West Virginia, Mr. BYRD, from 3 to 4 p.m.

The Senator from Arizona, Mr. KYL. Mr. KYL. Thank you, Mr. President. When my colleague, the Senator from Idaho, arrives, I will stop my presentation and give him an opportunity to join me in our comments today. We intend to take this hour to both talk about the same general subject.

NOMINATIONS

Mr. KYL. Mr. President, when we first came back and began this Congress in January, there was a lot of talk about bipartisanship at that time due primarily to the fact that the Senate was equally divided between Republicans and Democrats, and we knew we better act in a bipartisan way or not a lot would get done.

Since that time, of course, the Democratic Party has taken the majority, by virtue of the transfer from a Republican to an independent status, and we now have 50 Democrats, 49 Republicans, and one independent in the Senate; therefore, the Senate is under the control of the Democratic Party as the majority party. But we have a Republican administration and no less of a requirement to work together in a bipartisan fashion.

The distinguished President pro tempore chairs a committee which, by its very nature, requires bipartisanship. I think I was presiding in the chair the day the distinguished President pro tempore and his counterpart, the ranking member, the Senator from Alaska, talked about the fact that without the kind of bipartisan cooperation in that committee that has characterized its work, it would be hard for the Senate to get its work done.

That is also true of some other things, some housekeeping, if you will,

that the Senate has to do as part of its constitutional responsibilities and, frankly, are among the most important of its responsibilities. That includes the advice and consent that we provide with respect to nominees from the executive branch.

When a new President comes into power, there is also a certain transition that takes place because the new President nominates his own people for his executive branch department, his Cabinet officers and subcabinet officers, and also, of course, judicial nominations.

In order for those departments to be fully staffed and up and operating, it is necessary for the Senate, as quickly as possible, to hold hearings on those nominees, to act on them one way or the other, and then those that it approves—the vast majority—can join the President and begin work in the executive branch of Government. Ordinarily, that is a somewhat lengthy process but not a particularly difficult process.

Most of the nominations are relatively routine. After they finish their FBI check, there is a hearing. There is almost never any controversy and therefore it is not difficult for the Senate to confirm those nominees. In fact, for the benefit of a lot of folks who would not be aware of the process, we do not take time in this Chamber to debate each and every nominee and hold a rollcall vote on each and every nominee. Instead, most of them are not controversial, and the leader will ask that a group of them be considered in a group, at the end of the day; and if no Senator objects to the nominations, they are all approved, and they are approved unanimously.

That is the way it is done for most of the nominees. There are well over 600—I don't know the exact number—that we have to confirm. The problem is, this year, because of the election difficulties in Florida, the administration did not have as much time during the transition to get these people selected. As a result, we started out about a month behind in terms of the nominations from the Bush administration. Fortunately, the administration has worked very quickly and has actually caught up and even surpassed some previous administrations in the number of nominations that have been sent to the Senate.

But the Senate has not acted very quickly either. Part of that was due to the fact we had this change from an equally divided Senate to a Senate controlled by the Democratic Party, and